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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,330	03/15/2004	Kazutaka Shiraishi	09868/0200587-USO	1947
7278	7590	07/09/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER . SHAH, MILAP	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/801,330	SHIRAISHI, KAZUTAKA	
	Examiner	Art Unit	
	Milap Shah	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/15/04 & 6/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 15 is objected to because of the following informalities: There appears to be a typographical error in the recitation of "... closing a cover using said a device for...", where it appears that --said-- should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-6, 9-15, & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. DE 3105266 to Gauselmann with reliance on the English abstract only, which was provided by the Applicant in an IDS submission (hereafter "Gauselmann"). The complete foreign patent is also provided with this action, however, the foreign patent is not translated to English.

Claims 1 & 10: Gauselmann discloses a coin-operated gaming machine having a plurality of display regions (i.e. the reels), a display module for displaying a plurality of symbols in each display region (i.e. the reels), an evaluation module for evaluating whether a predetermined condition is

met in a game (see abstract paragraph), and a display control module for changing a number of symbols being displayed in at least one of the display regions if the predetermined condition is met (see the abstract, which discloses “covering means can be returned to its symbol-exposing position when predetermined symbol hits are achieved”). Regarding claim 10, the method can be deducted via the structure of the gaming machine; thus, Gauselmann is considered to disclose an equivalent method as well.

Claims 2 & 11: Gauselmann discloses the selection module for determining a symbol to be displayed and displaying said symbol via the display control module upon selection and once a predetermined condition is met, where the predetermined condition is a special symbol (see abstract, which discloses the symbol hits achieved are “predetermined symbols” which may be considered special symbols since they are predetermined to trigger the movement of the covers).

Claims 3 & 12: From the short abstract and the lone figure of the document being relied upon, it appears to show 3 reels of a standard gaming machine having three different covers, thus, it appears that Gauselmann discloses changing a number of symbols across one, some or all of the display regions (see abstract & figure).

Claims 4 & 13: Gauselmann discloses moving the cover based on predetermined symbols being achieved and since a player selects the spin button to spin the reels, those symbols in the stop position may be considered “player selected”, and thus, the movement of the covers upon the selected display region (i.e. whichever reel) is based on the selection module.

Claims 5 & 14: Gauselmann clearly discloses the cover to expand and reduce the display region of the reels (see abstract & figure).

Claims 6, 9, 15, & 18: Gauselmann clearly discloses a cover for covering the display regions, a device for opening and closing the cover (i.e. mechanics behind the cover’s movement), and

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wherein a number of symbols displayed in the display region is changed based on the opening and closing of the cover (see abstract & figure), which is controlled by the display control module.

Claims 1, 7, 8, 10, 16, & 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Asdale (U.S. Patent Application Publication No. 2004/0023714).

Claims 1 & 10: Asdale discloses the same invention including a gaming device and method for operating the gaming device comprising: displaying a plurality of symbols in a plurality of display regions (figure 3A), evaluating whether a predetermined condition is met in a game (paragraph 0011 discloses a triggering event must occur for a symbol stack to commence removal of the top-most symbol to sequentially reveal additional symbols at the specific display region that the symbol stack is used); and changing a number of symbols being displayed in at least one of said display regions if the predetermined condition is met (paragraphs 0006-0022 disclose the summary of the invention including disclosure of a symbol stack that changes a number of symbols displayed in a specific display region, where “a number of symbols” does not necessarily appear to infer that the quantity of symbols increases, but rather merely discloses “a number of symbols changes”, thus, 1 symbol changing to another symbol in the situation that symbol stack occurs and new symbols sequentially replace current symbols is considered sufficient to meet the limitation).

Claims 7, 8, 16, & 17: Asdale discloses a normal game state in which a plurality of symbols are displayed and evaluated for a payout, as any normal gaming machine of its kind, however, Asdale further discloses a special game state, during which a symbol stack is able to be used in place of some symbol positions, such that the symbol stack provides a special game state since the pay lines including the symbol stack will get re-evaluated a number of times until the total number of symbols in the symbol stack have sequentially been displayed, thus, the symbol stack portion of the game is considered the special game state and the display control module displays new symbols

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during the special game state (paragraphs 0006-0022). Additionally, Asdale discloses that the special game state or usage of the symbol stacks is independent of wagering, such that the symbol stacks are in response to triggering event, such that one possible triggering event is simply the appearance of the symbol stack (see paragraphs 0011-0012).

Claims 1 & 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaffe (U.S. Patent No. 6,517,432).

Claims 1 & 10: Jaffe discloses the same invention including a gaming machine and a method for operating the gaming machine comprising displaying a plurality of symbols in a plurality of display regions (figure 3), evaluating whether a predetermined condition is met in a game (column 4, lines 59-62); and changing a number of symbols being displayed in at least one of said display regions if the predetermined condition is met (figures 5-13 disclose a sequence of events associated with the triggered bonus game, where symbols are changed based upon the predetermined condition being met, the changing being controlled by the display control module).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Lally et al.	U.S. Patent No. 3,642,287	Rotating reel game with a masking shutter.
Singer et al.	U.S. Patent No. 6,893,342	Appears to read on at least claims 1 & 10.
Gauselmann	DE Patent No. 3,105,266	Complete Gauselmann patent of the abstract being relied upon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.B.S.

/Scott Jones/

Primary Examiner, Art Unit 3714